

REMARKS

The Office Action mailed February 24, 2004 has been received and carefully considered. Applicant thanks the Examiner for indicating that the claims under examination are directed to allowable subject matter.

As of the Office Action, claims 1-42 were pending, of which claims 1-26 were withdrawn. Although all of claims 27-42 were under examination and the Office Action Summary indicates that claims 27-42 were considered and rejected, the Examiner only remarks upon claims 27-31 in the Office Action. Applicant respectfully requests that the Examiner clarify the status of claims 32-42, which depend from claim 27, as also directed to allowable subject matter.

Reconsideration in light of the preceding amendments and remarks which follow is respectfully requested.

I. Amendments to the Claims.

Claims 1-26 have been cancelled in light of the Examiner's indication that the Application is directed to allowable subject matter.

II. Double Patenting Rejections.

In the Office Action, the Examiner indicated that claims 27-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting. *See* Office Action at pg. 3. These claims are provisionally rejected over claims 18 and 19 of copending U.S. Application No. 09/938,667, claims 13-15 of copending U.S. Application No. 09/938,670, and claims 27-35 of copending Application No. 09/938,668.

Applicant files herewith a terminal disclaimer for each copending application that is the subject of a double patenting rejection, along with the requisite fees. Applicant respectfully submits that the terminal disclaimers overcome the double patenting rejections. In filing the terminal disclaimers, Applicant makes no statement with regard to the propriety of the rejections.

Applicant maintains that the claims subject to the double patenting rejections are not obvious in view of the claims in the co-pending applications, and is merely taking advantage of a statutory opportunity to remove the rejection. *See* M.P.E.P. § 804.02(II). Applicant's decision to avail himself of that opportunity is made, *inter alia*, to expedite prosecution of the application and obtain issuance of a patent, and is not an indication that Applicant acquiesces in the rejections.

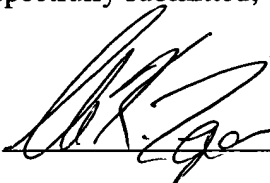
CONCLUSION

For at least these reasons, Applicant requests that the Application be allowed and passed to issue. In the event any outstanding issues remain, Applicant would appreciate the courtesy of a telephone call to Applicant's undersigned representative to resolve such issues in an expeditious manner.

This Amendment and Response has been filed within three months of the mailing date of the Office Action, and it is believed that no fees are due, other than the terminal disclaimer fees which are filed herewith. If any additional fees are determined to be due, the Commissioner is authorized to charge those fees to the undersigned's Deposit Account No. 50-0206.

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Respectfully submitted,

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